APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,621	08/17/2001	Yuichiro Deguchi	SONY-02800	6301

36813	7590	10/03/2006

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EXAMINER
HASHEM, LISA

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/932,621	DEGUCHI, YUICHIRO
	Examiner	Art Unit	
	Lisa Hashem	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 September 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claim 23 recites the limitation "said server terminal". There is insufficient antecedent

basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat.

Appl. Pub. 2002/0174431 by Bowman et al, hereinafter Bowman, in further of U.S. Pat. Appl.

Pub. 2001/0049262 by Lehtonen.

Regarding claim 1, Bowman discloses a data marker integrated device communication

system (Fig. 1, 100), comprising:

a data marker integrated device configured to store a data mark in response to bookmarking of a

broadcast clip (section 0018-0019; section 0023-0024);

said data marker integrated device comprising a first device (Fig. 1, 112) which is configured for

communication (section 0021; section 0027);

a second device (Fig. 1, 114A) configured for establishing a first communication connection

with the first device to receive said data mark from said first device (section 0021); and said

second device configured for establishing a separate second wireless connection (Fig. 1, 116)

(section 0021);

a server (Fig. 1, 122) configured to connect over said second wireless connection to said second

device for data communication through said second device with said first device (section 0024);

said server is configured for retrieving playlist data in response to receipt of said data mark from

said first device (section 0025); and

said server is configured for communicating over a data network with a user terminal (Fig. 1,

110) so that said user terminal can access said playlist data through a user account on said server

when connected over said data network (section 0023; section 0025-0026).

Bowman discloses a data marker integrated device communication system. However,

Bowman does not disclose a first device configured for local, short range, wireless

communication and a second device configured for a first wireless communication connection

with the first device.

Lehtonen discloses a data marker integrated device communication

system (Fig. 3), comprising:

a data marker integrated device (Fig. 2, 21; Fig. 3, 21) configured to store a data mark (section

0027; section 0030);

said data marker integrated device comprising a first device (Fig. 3: 27, BT2) which is

configured for local, short range, wireless communication (section 0027);

a second device (Fig. 2, 22; Fig. 3, 22) configured for establishing a first wireless

communication connection with the first device to receive said data mark from said first device

(section 0038-0039); and

said second device configured for establishing a separate second wireless connection (section

0041);

a server (e.g. computer) configured to connect over said second wireless connection to said device for data communication through said second device with said first device (section 0041).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Bowman to include a local, short range, wireless communication and first wireless connection as taught by Lehtonen. One of ordinary skill in the art would have been lead to make such a modification to provide a first device with the capability of local, short range, wireless communication to communicate with a second device utilizing a first wireless connection to easily transmit a data mark from a first device to a second device when both devices are in range of each other.

Regarding claim 2, the system of claim 1, wherein Bowman further discloses said data mark includes time stamp information (section 0023-0024).

Regarding claim 3, the system of claim 1, wherein Lehtonen further discloses said data marker integrated device includes one of an electronic music marker integrated radio and an electronic music marker integrated audio playback device (section 0030-0031).

Regarding claim 4, the system of claim 1, wherein Lehtonen further discloses said second device includes one of a wireless application protocol (WAP) enabled mobile telephone, an I-mode mobile telephone, and an Internet access enabled personal digital assistant (section 0031 and 0036).

Regarding claim 5, the system of claim 1, wherein Lehtonen further discloses said wireless communication between said second device and said data marker integrated device is established with a Bluetooth communication protocol (section 0027 and 0031).

Regarding claim 6, the system of claim 1, wherein Lehtonen further discloses said data

marker integrated device includes an interface unit (Fig. 3, BT2) configured to establish wireless

communication under a Bluetooth communication protocol (section 0032).

Regarding claim 7, the system of claim 6, wherein Lehtonen further discloses said second

device includes an interface unit (Fig. 3, BT) configured to establish wireless communication

under a Bluetooth communication protocol (section 0036).

Regarding claim 8, the system of claim 7, wherein Lehtonen further discloses said

Bluetooth communication protocol operates at approximately 2.4 GHz (section 0035).

Regarding claim 9, the system of claim 1, wherein Bowman further discloses said data

marker integrated device is configured to transmit a device identification code to said second

device (section 0025).

Regarding claim 10, the system of claim 1, wherein Bowman further discloses said server

is configured to receive said data mark from said second device (section 0021; section 0024).

Regarding claim 11, the system of claim 10, wherein Bowman further discloses said

server is further configured to inherently transmit a transmission acknowledgement message to

said second device (e.g. Internet connection utilizes TCP/IP that includes acknowledgement of

packets).

Regarding claim 12, the system of claim 11, wherein Bowman further discloses said

second device is configured to inherently display said transmission acknowledgement message

(e.g. Internet connection utilizes TCP/IP that includes acknowledgement of packets).

Regarding claim 13, the system of claim 11, wherein Bowman further discloses said

second device is configured to inherently transmit said transmission acknowledgement message

to said data marker integrated device (e.g. Internet connection utilizes TCP/IP that includes

acknowledgement of packets).

Regarding claim 14, the system of claim 13, wherein Lehtonen further discloses said data

marker integrated device is configured to delete said stored data mark after inherently receiving

said transmission acknowledgement message from said second device (section 0041, 0052) (e.g.

Internet connection utilizes TCP/IP that includes acknowledgement of packets).

Regarding claim 15, the system of claim 1, wherein Bowman further discloses a user

terminal configured to connect to said server (section 0025).

Regarding claim 16, the system of claim 15, wherein Bowman further discloses said user

terminal includes one of a desktop computer, a laptop computer, and a handheld computer

(section 0020 and 0025).

Regarding claim 17, the system of claim 15, wherein Bowman further discloses said user

terminal is connected to said server through TCP/IP protocol (section 0021 and 0025).

Regarding claim 18, the system of claim 15, wherein Bowman further discloses said user

terminal is configured to receive information corresponding to said data mark from said server

(section 0025).

Regarding claim 19, the system of claim 18, Bowman further discloses said information

corresponding to said data mark comprises one or more of the broadcast information selected

from the group of broadcast music information consisting of:

a name of a broadcast music clip corresponding to said data mark,

a name of the artist of a broadcast music clip corresponding to said data mark,

a name of the album of a broadcast music clip corresponding to said data mark, and

a purchase information for a music album corresponding to a broadcast music clip related to said

data mark (section 0024-0026).

Regarding claim 20, Bowman discloses a method, comprising:

storing a data mark within a data marking device, as a first device (Fig. 1, 112), in response to

bookmarking of a broadcast clip (section 0018-0019, 0021, 0023-0024, 0027);

receiving, within a second device (Fig. 1, 114A), said stored data mark from said first device

through a first connection (section 0021);

establishing a second wireless connection (Fig. 1, 116) from said second device to a server (Fig.

1, 122) (section 0021);

and transmitting said received data mark over said second wireless connection to a user account

within a server (section 0025);

retrieving information corresponding to said marked data from a storage unit (Fig. 1: 124, 126)

coupled to said server;

establishing an internet connection (Fig. 1, 118) between said server and a user terminal (Fig. 1,

110); and

accessing information corresponding to said marked data within said user account on said server

through said user terminal (section 0021, 0025, 0026).

Bowman discloses storing a data mark within a data marker device. However,

Bowman does not disclose establishing a first wireless connection with the first device and the

second device.

Lehtonen discloses a method, comprising:

storing a data mark within a data marking device, as a first device (Fig. 2, 21; Fig. 3, 21) (section 0027; section 0030);

receiving, within a second device (Fig. 2, 22; Fig. 3, 22), said stored data mark from said first device through a first wireless connection (section 0038-0039);

establishing a second wireless connection from said second device to a server (e.g. computer) (section 0041).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Bowman to include a first wireless connection as taught by Lehtonen. One of ordinary skill in the art would have been lead to make such a modification to provide a first device to communicate with a second device utilizing a first wireless connection to easily transmit a data mark from a first device to a second device when both devices are in range of each other.

Regarding claim 21, the method of claim 20, wherein Lehtonen further discloses said wireless connection includes a wireless communication link configured for operation under a Bluetooth communication protocol (section 0027, 0031).

Regarding claim 22, the method of claim 20, wherein Bowman further discloses including receiving a device identification code through said wireless connection (section 0025).

Regarding claim 23, the method of claim 22, wherein Bowman further discloses including transmitting said device identification code using said established connection to said server terminal (section 0025).

Regarding claim 24, the method of claim 20, wherein Lehtonen further discloses said connection includes a wireless application protocol connection (section 0031, 0036-0039).

Regarding claim 25, the method of claim 20, wherein Bowman further discloses including inherently transmitting a transmission acknowledgement message through said connection (e.g. Internet connection utilizes TCP/IP that includes acknowledgement of packets).

Regarding claim 26, the method of claim 25, wherein Bowman further discloses including inherently displaying said transmission acknowledgement message (e.g. Internet connection utilizes TCP/IP that includes acknowledgement of packets).

Regarding claim 27, the method of claim 25, wherein Lehtonen further discloses including deleting said data mark after receiving said transmission acknowledgement message (section 0041, 0052) (e.g. Internet connection utilizes TCP/IP that includes acknowledgement of packets).

Regarding claim 30, the method of claim 20, wherein Bowman further discloses said retrieved information includes one or more of a name of a broadcast music clip corresponding to said data mark,

a name of the artist of a broadcast music clip corresponding to said data mark,

a name of the album of a broadcast music clip corresponding to said data mark, and

a purchase information for the purchase of a music album of a broadcast music clip corresponding to said data mark (section 0024-0026).

Regarding claim 31, Bowman discloses a method, comprising:

storing a data mark within a data marking device, as a first device (Fig. 1, 112), in response to bookmarking of a broadcast clip (section 0018-0019, 0021, 0023-0024, 0027);

transmitting said stored data mark from said first device through a connection to a second device (Fig. 1, 114A) (section 0021);

receiving said transmitted data mark by said second device; and

transmitting said received data mark through a wireless connection (Fig. 1, 116) which is

separate from said connection, to a server (Fig. 1, 122) (section 0021);

retrieving information corresponding to said marked data by said server;

establishing an internet connection (Fig. 1, 118) between said server and a user terminal (Fig. 1,

110); and accessing information corresponding to said marked data on said server through said

user terminal (section 0021, 0025, 0026).

Bowman discloses storing a data mark within a data marker device. However,

Bowman does not disclose establishing a Bluetooth protocol connection from the first device to

the second device.

Lehtonen discloses a method, comprising:

storing a data mark within a data marking device, as a first device (Fig. 2, 21; Fig. 3, 21) (section

0027; section 0030);

transmitting said stored data mark from said first device through a Bluetooth protocol connection

to a second device (Fig. 2, 22; Fig. 3, 22) (section 0038-0039);

receiving said transmitted data mark by said second device; and

transmitting said received data mark through a wireless connection which is separate from said

Bluetooth protocol connection, to a server (e.g. computer) (section 0041).

It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to modify the method of Bowman to include a Bluetooth protocol connection as taught

by Lehtonen. One of ordinary skill in the art would have been lead to make such a modification

to provide a first device to communicate with a second device utilizing a first wireless

connection to easily transmit a data mark from a first device to a second device when both devices are in range of each other.

Regarding claim 32, the method of claim 31, wherein Bowman further discloses including receiving a device identification code from said first device through said first and second wireless connection by said server (section 0025).

Regarding claim 34, the method of claim 31, wherein Lehtonen further discloses said second wireless connection inherently comprises a wireless application protocol connection (section 0031, 0036-0039).

Regarding claim 35, the method of claim 31, wherein Bowman further discloses including inherently receiving a transmission acknowledgement message through said wireless connection (e.g. Internet connection utilizes TCP/IP that includes acknowledgement of packets).

Regarding claim 36, the method of claim 35, wherein Bowman further discloses including inherently displaying said received transmission acknowledgement message (e.g. Internet connection utilizes TCP/IP that includes acknowledgement of packets).

Regarding claim 37, the method of claim 31, wherein Lehtonen further discloses including deleting said stored data mark within said first device (section 0052).

Regarding claim 41, the method of claim 31, wherein Bowman further discloses said retrieved information includes one or more of:

a name of a music clip corresponding to said data mark,

a name of a music album corresponding to said data mark,

a name of the artist for a music clip corresponding to said data mark, and

a purchase information for the purchase of a music album corresponding to said data mark
(section 0024-0026).

Regarding claim 42, Bowman discloses a data marker integrated device communication
system (Fig. 1, 100), comprising:

means for storing a data mark within a data marking device, as a first device (Fig. 1, 112), in

response to bookmarking of a broadcast clip (section 0018-0019, 0021, 0023-0024, 0027);

means for receiving stored data mark through a first connection by a second device (Fig. 1,

114A) (section 0021);

means for establishing a second wireless connection (Fig. 1, 116) from said second device to a

server (section 0023-0024);

wherein said first connection is a protocol that differs from said second wireless connection

(section 0021);

means for transmitting said received data mark using said second wireless connection to said

server;

means of retrieving information corresponding to said marked data by said server;

means of establishing an internet connection (Fig. 1, 118) between said server and a user

terminal (Fig. 1, 110); and

means of accessing information corresponding to said marked data on said server through said

user terminal (section 0021, 0025, 0026).

Bowman discloses a data marker integrated device communication system. However,

Bowman does not disclose a first device configured for local, short range, wireless

communication and a second device configured for a first wireless connection with the first

device.

Lehtonen discloses a data marker integrated device communication

system (Fig. 3), comprising:

means for storing a data mark within a data marking device, as a first device (Fig. 2, 21; Fig. 3,

21) (section 0027; section 0030);

means for transmitting said stored data mark from said first device through a first wireless

connection to a second device (Fig. 2, 22; Fig. 3, 22) (section 0038-0039);

means for receiving said transmitted data mark by said second device; and

means transmitting said received data mark through a second wireless connection which is

separate from said first wireless connection (wherein said first wireless connection is a local,

short range, wireless protocol that differs from said second wireless connection), to a server (e.g.

computer) (section 0041).

It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to modify the system of Bowman to include a local, short range, wireless

communication and first wireless connection as taught by Lehtonen.   One of ordinary skill in the

art would have been lead to make such a modification to provide a first device with the

capability of local, short range, wireless communication to communicate with a second device

utilizing a first wireless connection to easily transmit a data mark from a first device to a second

device when both devices are in range of each other.

Regarding claim 43, Bowman discloses a data marker integrated device communication

system (Fig. 1, 100), comprising:

means for storing a data mark within a data marking device, as a first device (Fig. 1, 112), in

response to bookmarking of a broadcast clip (section 0018-0019, 0021, 0023-0024, 0027);

means for transmitting said stored data mark through a connection which provides a first

connection to a second device (Fig. 1, 114A) (section 0021);

means for receiving said transmitted data mark within said second wireless device (section

0021); and

means for transmitting said received data mark through a second wireless connection, which is

separate from said first wireless connection, to a server (e.g. computer) (section 0023-0024);

means of retrieving information corresponding to said marked data by said server;

means of establishing an internet connection (Fig. 1, 118) between said server and a user

terminal (Fig. 1, 110);

and means of accessing information corresponding to said marked data on said server through

said user terminal (section 0021, 0025, 0026).

Bowman discloses storing a data mark within a data marker device. However,

Bowman does not disclose establishing a Bluetooth protocol connection from the first device to

the second device.

Lehtonen discloses a data marker integrated device communication

system (Fig. 3), comprising:

means for storing a data mark within a data marking device, as a first device (Fig. 2, 21; Fig. 3,

21) (section 0027; section 0030);

means for transmitting said stored data mark from said first device through a Bluetooth protocol

connection which provides a first wireless connection to a second device (Fig. 2, 22; Fig. 3, 22)

(section 0038-0039);

means for receiving said transmitted data mark by said second device; and

means for transmitting said received data mark through a wireless connection which is separate

from said Bluetooth protocol connection, to a server (e.g. computer) (section 0041).

It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to modify the method of Bowman to include a Bluetooth protocol connection as taught

by Lehtonen. One of ordinary skill in the art would have been lead to make such a modification

to provide a first device to communicate with a second device utilizing a first wireless

connection to easily transmit a data mark from a first device to a second device when both

devices are in range of each other.

Response to Arguments

4.   Applicant's arguments, see RCE, filed 9-19-2006, with respect to claim(s) 1-43 have

been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made. Please see all

rejection(s) above.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. See PTO-892 Form.

6.   Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The

examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or

relating to the status of this application or proceeding should be directed to the Group

receptionist whose telephone number is (571) 272-2600.

8.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lh
September 27, 2006

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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600